



# TECHNICAL BULLETIN

June 22, 2020  
Supersedes April 7, 2020

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## Approval Process for Non-Traditional Transfers

The intent of this technical bulletin is to provide clarification on the approval process for remediation, fresh frozen, and concentrate production (extraction).

### Rule 6 in the Sampling and Testing Rule Set - R 420.306

- (1) A laboratory may test marijuana product that has failed initial safety testing, except as indicated under subrule (3) in this rule.
- (2) A failed marijuana product must pass 2 separate tests with new samples consecutively to be eligible to proceed to sale or transfer.
- (3) The agency may publish a remediation protocol including, but not limited to, the sale or transfer of marijuana product after a failed safety test as provided in these rules.

**Please note:** Only passed product is eligible for sale/transfer, failed product can be remediated/retested until passing results are obtained.

When marijuana product fails testing, a licensee has **Two Options** for the failed marijuana product.

#### **Option 1-Retest**

For the batch to be eligible to be removed from quarantine and proceed to sale or transfer the failed product **must** pass two separate retests.

#### **Option 2-Remediate**

- Failed marijuana product may be remediated unless otherwise prohibited by the Marijuana Regulatory Agency.
- Remediated product must pass two **consecutive** re-tests to confirm that contaminants have been appropriately remediated and are not present in concentrations or levels exceeding the MRA action limit.
- Remediated flower (buds, shake/trim) will additionally require potency to be repeated post remediation.
- Remediated extracted product will additionally require residual solvent to be repeated post remediation.
- All products which are to be remediated must be marked as remediated in the Metrc system, please follow the steps in this metrc [bulletin](#) for how to mark packages as remediated.

*This technical bulletin does not constitute legal advice and is subject to change. It is intended to provide a technical clarification only to the Marijuana Regulatory Agency's Administrative Rules. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Administrative Rules.*

More information on the MRA can be found at the agency's [website](#)



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## Remediation Protocol

All remediation requests must be submitted to the agency on the included form and will be approved in writing by the agency.

To request the required agency approval to remediate eligible marijuana products:

1. The licensee must attach the completed "[Request for Remediation](#)" form to [MRA-Compliance@michigan.gov](mailto:MRA-Compliance@michigan.gov).
2. The subject line must state "Request for Remediation Approval"
3. The licensee is not authorized to remediate product until written approval from the agency has been received.

## Rule 3(6)(1) in the Marihuana Sampling and Testing Rule Set - R 420.303(6)

A cultivator may transfer or sell marihuana to a producer without first being tested by a laboratory in order to produce fresh frozen, or if the marihuana product will be refined to a concentrate, with agency approval. After the producer has processed the material, the producer shall have the sample tested pursuant to R 420.304 and R 420.305. The agency may publish guidance for fresh frozen and concentrate production, transfer, and sale.

## Fresh Frozen Protocol

To request the required agency approval to transfer fresh frozen marijuana:

1. The licensee must attach the completed "[Request for Fresh Frozen Approval](#)" form to [MRA-Compliance@michigan.gov](mailto:MRA-Compliance@michigan.gov).
2. The subject line must state "Request for Fresh Frozen Approval"
3. The licensee is not authorized to transfer product until written approval from the agency has been received.

## Concentrate Production-Untested Flower for Extraction

To request the required agency approval to transfer untested marijuana for extraction:

1. The licensee must attach the completed "[Request for Fresh Frozen Approval](#)" form to [MRA-Compliance@michigan.gov](mailto:MRA-Compliance@michigan.gov).
2. The subject line must state "Request for Extraction Approval"

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3. The licensee is not authorized to transfer product until written approval from the agency has been received.

## **Remediation Transfer Protocol for Marijuana Flower**

**Effective April 8, 2020 the MRA will not permit any caregiver produced product to enter into the Adult-Use market. Transfers that include caregiver product will be denied.**

### **Usable Marijuana – flower, shake/trim from harvest**

- If marijuana flower submitted for testing by a medical use license was compliantly tested and resulted in a failure for total yeast and mold (>10,000 CFU/g) up to 50% of the package is eligible for transfer for remediation into the adult use market if all the following are met:
  - The transfer requires written approval from the MRA.
  - The transfer requires equivalent license transfer from the medical grower to the adult-use grower or from the medical processor to the adult-use processor.
- Once the product has been transferred to the adult-use license, it may be either retested for total yeast and mold or remediated then retested for total yeast and mold.

All remediation requests must be submitted to the agency on the included form and will be approved in writing by the agency.

To request the required agency approval to remediate eligible marijuana products:

1. The licensee must attach the completed “Request for Remediation” form to [MRA-Compliance@michigan.gov](mailto:MRA-Compliance@michigan.gov).
2. The subject line must state “[Request for Med to AU Remediation Approval](#)”
3. The licensee is not authorized to remediate product until written approval from the agency has been received.
4. The email body must contain a note indicating the request to transfer the product from a medical to adult-use license.
5. The licensee is not authorized to remediate any product requiring agency approval until written approval from the agency is received.

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